

From: [Marwan Daher](#)
To: [Melendez, Brian](#)
Cc: [Alexander Taylor](#); [Mohammed Badwan](#); [JEFF COLLINS](#); [Gear, Autumn](#); [Jessica Madrid](#)
Subject: Re: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of TD's deposition
Date: Tuesday, September 12, 2023 11:09:12 AM

Did I ever suggest that today did work for us? I did not. Just because a date works for you does not mean it works for everyone Brian. I know you understand this.

Best Regards,
Marwan R. Daher,
Attorney at Law
Atlas Consumer Law – a Division of Sulaiman Law Ltd.

[2500 South Highland Avenue](#)
[Suite 200](#)
[Lombard, Illinois 60148](#)
Phone: [\(630\) 575 – 8181, ext. 109](#)
Direct: [\(630\) 537 – 1770](#)
Fax: [\(630\) 575 – 8188](#)
Website: <http://www.AtlasConsumerLaw.com>
Email: mdaher@sulaimanlaw.com

On Sep 12, 2023, at 11:01 AM, Melendez, Brian <brian.melendez@btlaw.com> wrote:

Please see my email earlier this morning. I have let you know several times over the last three weeks — on 21 August, 23 August, and 5 September — that the witness and I were both available on Tuesday the 12th (today). You have never suggested that today didn't work for you, nor have you have suggested any other date.

BRM

From: Marwan Daher <mdaher@sulaimanlaw.com>
Sent: Tuesday, September 12, 2023 10:57 AM
To: Melendez, Brian <brian.melendez@btlaw.com>
Cc: Alexander Taylor <ataylor@sulaimanlaw.com>; Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@jshfirm.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>
Subject: [EXTERNAL] RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of TD's deposition
Caution: This email originated from outside the Firm.

Brian,
Respectfully, you still have not answered any of my questions. What made you believe that a deposition was proceeding today?
Best Regards,
Marwan R. Daher,
Attorney at Law
Atlas Consumer Law – a Division of Sulaiman Law Ltd.

[2500 South Highland Avenue](#)
[Suite 200](#)

EXHIBIT E

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Website: <http://www.AtlasConsumerLaw.com>
Email: mdaher@sulaimanlaw.com
<image001.jpg>

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From: Melendez, Brian <brian.melendez@btlaw.com>
Sent: Tuesday, September 12, 2023 10:55 AM
To: Marwan Daher <mdaher@sulaimanlaw.com>
Cc: Alexander Taylor <ataylor@sulaimanlaw.com>; Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@jshfirm.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>
Subject: RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of TD's deposition

The witness is not available on Thursday or Friday. I am letting her go home.

BRM

From: Marwan Daher <mdaher@sulaimanlaw.com>
Sent: Tuesday, September 12, 2023 10:53 AM
To: Melendez, Brian <brian.melendez@btlaw.com>
Cc: Alexander Taylor <ataylor@sulaimanlaw.com>; Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@jshfirm.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>
Subject: [EXTERNAL] Re: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of TD's deposition
Caution: This email originated from outside the Firm.

Do you have a deposition notice from us dated for today? Better yet, did you ever receive any confirmation from us that we're proceeding today for the deposition? Did you receive Zoom login information from us?

Not sure why she is sitting in your office considering we never sent you one. Seems like a

EXHIBIT E

ploy from TD Bank to avoid depositions.

Is your client available Thursday or Friday this week for its deposition? If not, we will be forced to compel and seek an extension.

Best Regards,

Marwan R. Daher,

Attorney at Law

Atlas Consumer Law – a Division of Sulaiman Law Ltd.

[2500 South Highland Avenue](#)

[Suite 200](#)

[Lombard, Illinois 60148](#)

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Website: <http://www.AtlasConsumerLaw.com>

Email: mdaher@sulaimanlaw.com

On Sep 12, 2023, at 10:39 AM, Melendez, Brian
<brian.melendez@btlaw.com> wrote:

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

Your statement that I “unilaterally canceled last week’s deposition” is false. I attach your email of the 1st in which you write that “we will not be proceeding with TD Bank’s deposition on Tuesday, September 5, 2023.”

I have let you know several times over the last three weeks — on 21 August, 23 August, and 5 September — that the witness and I were both available on Tuesday the 12th (today). You have never suggested that today didn’t work for you, nor have you have suggested any other date. The witness has been sitting in my office since 10 a.m. Will you be proceeding with the deposition today? If not, then I am going to let her go home.

BRM

From: Marwan Daher <mdaher@sulaimanlaw.com>

Sent: Tuesday, September 12, 2023 9:40 AM

To: Melendez, Brian <brian.melendez@btlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>

Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>

Subject: [EXTERNAL] RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of TD's deposition

Caution: This email originated from outside the Firm.

Brian,

When did we agree on the 12th for your client’s deposition? You unilaterally canceled last week’s deposition and unilaterally provided the 12th date as

EXHIBIT E

convenient for you. I will call you shortly.

Best Regards,

Marwan R. Daher,

Attorney at Law

Atlas Consumer Law – a Division of Sulaiman Law Ltd.

2500 South Highland Avenue

Suite 200

Lombard, Illinois 60148

Phone: (630) 575 – 8181, ext. 109

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Website: <http://www.AtlasConsumerLaw.com>

Email: mdaher@sulaimanlaw.com

<image001.jpg>

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From: Melendez, Brian <brian.melendez@btlaw.com>

Sent: Tuesday, September 12, 2023 9:29 AM

To: Marwan Daher <mdaher@sulaimanlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>

Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>

Subject: RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of TD's deposition

I had today cleared for the deposition, so I am available to discuss, including now. But we oppose any extension of the discovery deadline.

BRM

Brian Melendez | Partner

Barnes & Thornburg LLP

EXHIBIT E

225 S. Sixth Street Suite 2800, Minneapolis, MN 55402
Direct: (612) 367-8734

[<image002.png>](#) [<image003.png>](#) [<image004.jpg>](#) [<image005.png>](#) [<image006.jpg>](#)
[<image007.jpg>](#)

From: Marwan Daher <mdaher@sulaimanlaw.com>

Sent: Tuesday, September 12, 2023 9:27 AM

To: Melendez, Brian <brian.melendez@btlaw.com>; Alexander Taylor
<ataylor@sulaimanlaw.com>

Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS
<JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica
Madrid <jmadrid@sulaimanlaw.com>

Subject: [EXTERNAL] RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D.
Ariz.): Notice of TD's deposition

Caution: This email originated from outside the Firm.

Hello Brian,

I hope all is well. Are you available today to discuss this case as a whole? We suggest both parties extend the discovery deadline by 30 days so we may both conduct depositions.

Best Regards,

Marwan R. Daher,

Attorney at Law

Atlas Consumer Law – a Division of Sulaiman Law Ltd.

2500 South Highland Avenue

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<image001.jpg>

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inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax related matter(s) addressed therein.

From: Melendez, Brian <brian.melendez@btlaw.com>
Sent: Tuesday, September 12, 2023 9:21 AM
To: Marwan Daher <mdaher@sulaimanlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>
Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>
Subject: RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of TD's deposition
Marwan and Alexander:
I haven't heard anything further from you about TD's deposition, nor have we met and conferred about the topics. Will you be proceeding with the deposition today?

BRM

From: Melendez, Brian
Sent: Tuesday, September 5, 2023 1:27 PM
To: 'Marwan Daher' <mdaher@sulaimanlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>
Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>
Subject: RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of TD's deposition
Marwan and Alexander:
As we indicated in TD's designations and objections, today would not have been convenient for TD's designated witness and me, but we are both available on Tuesday the 12th.
Meanwhile, TD's servicer Target has discovered that it did receive a Dispute Response Notification from Trans Union in July 2022. I attach (1) the DR Notification, numbered T073-78; (2) a supplemental declaration from Susan Wolf, correcting her October 2022 declaration; and (3) TD's amended answers to interrogatories.
My schedule is generally open this week to discuss the deposition topics. We withdraw our objections to testimony about the Equifax ACDV.

BRM

Brian Melendez | Partner
Barnes & Thornburg LLP
225 S. Sixth Street Suite 2800, Minneapolis, MN 55402
Direct: (612) 367-8734

<[image008.png](#)> <[image003.png](#)> <[image004.jpg](#)> <[image005.png](#)> <[image006.jpg](#)>
<[image007.jpg](#)>

From: Marwan Daher <mdaher@sulaimanlaw.com>

EXHIBIT E

Sent: Friday, September 1, 2023 2:49 PM

To: Melendez, Brian <brian.melendez@btlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>

Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>

Subject: [EXTERNAL] RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of TD's deposition

Caution: This email originated from outside the Firm.

Hello Brian,

I hope all is well. Since we have not discussed the topics yet, we will not be proceeding with TD Bank's deposition on Tuesday, September 5, 2023. Please provide alternative dates and let's shoot to get on a call on Tuesday or Wednesday next week to discuss and narrow the topics. Please confirm. Thanks, Brian.

Best Regards,

Marwan R. Daher,

Attorney at Law

Atlas Consumer Law – a Division of Sulaiman Law Ltd.

2500 South Highland Avenue

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Lombard, Illinois 60148

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<image001.jpg>

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EXHIBIT E

From: Melendez, Brian <brian.melendez@btlaw.com>

Sent: Wednesday, August 23, 2023 3:20 PM

To: Marwan Daher <mdaher@sulaimanlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>

Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>

Subject: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of TD's deposition

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

Marwan and Alexander:

I attach Defendant TD Bank USA, N.A.'s Designations and Objections in Response to Notice of Organizational Deposition. I am writing to set out TD's objections in more detail, in order to comply with Rule 30(b)(6)'s requirement that "the serving party and the organization must confer in good faith about the matters for examination."

Matters not objected to (Nos. 1–8, 10–12, 15–16, 25, 44, 46–47). TD has no objection, or only an objection as to form, for over one-third of the 53 matters for examination.

Limited objections (Nos. 9, 17, 35, 43). TD has only a limited objection to four others matters:

No. 9: TD's witness will be prepared to testify about the existence and location of documents to whose production TD has objected, but not about the documents' contents.

No. 17: TD's witness will be prepared to testify that there was no investigation into the Trans Union dispute. Since there was no investigation, there is nothing further to testify about.

No. 35: TD's witness will be prepared to testify about "retention of . . . correspondence relating to a consumer's debt." TD does not receive, send, or prepare "consumer credit reports" or "mortgage statements."

No. 43: I don't see what this topic covers that isn't already covered in Nos. 8 & 44, about which TD's witness will be prepared to testify.

Equifax (Nos. 13–14, 38). Three matters seek examination about Equifax. This action concerns Ms. Gephart's dispute through Trans Union in February 2022. The complaint does not concern or even mention any dispute through Equifax. TD therefore objects to these three topics.

Policies and procedures / training. (Nos. 18–24, 26–34, 39–42, 45). TD objects to these 21 matters.

First, TD's witness will be prepared to testify that there was no investigation into the dispute through Trans Union in February 2022. Since there was no investigation, there is nothing further to testify about. Second, TD's internal policies and procedures — and related topics such

as training, or the time and expense of an investigation — are irrelevant to a claim under 15 U.S.C. § 1681s-2(b). Rule 26(b) provides that the scope of discovery extends to “any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case . . .” Fed. R. Civ. P. 26(b)(1) (scope in general). A matter that is not “relevant” therefore falls outside the scope of discovery. A matter is “relevant” only if it “has any tendency to make a fact more or less probable than it would be without the evidence,” and “the fact is of consequence in determining the action.” Fed. R. Evid. 401 (test for relevant evidence).

This action concerns a claim that TD violated the Fair Credit Reporting Act, particularly 15 U.S.C. § 1681s-2(b). The factual issues relevant to Ms. Gephart’s claims are whether TD failed to take one or more of the actions that the statute requires in response to notice of her dispute. Since TD received no notice of her dispute, TD’s statutory duties were never triggered. TD’s *general* policies and procedures are irrelevant to Ms. Gephart’s claims. The relevant issue is what TD did with respect to Ms. Gephart and the subject dispute, not what TD contemplates generally in investigating other disputes or how TD trains its employees. Section 1681s-2(b) does not require that a furnisher maintain or follow general procedures, and the existence or use of such general procedures does not affect a furnisher’s statutory duties. *See Semper v. JBC Legal Group*, 2005 WL 2172377, at *6, ¶ 15 (W.D. Wash. Sept. 6, 2005) (“Plaintiff has not identified any provision of state or federal law that was violated by defendants’ alleged failure to maintain written policies and procedures regarding the handling of consumer and credit reporting agency inquiries. . . . Even if the Court assumes that defendants failed to maintain adequate procedures . . . such a failure is not a basis upon which additional liability can be imposed.”); *cf. McKeown v. Sears Roebuck & Co.*, 335 F. Supp. 2d 917, 937 (W.D. Wis. 2004) (“First, § 1681s-2(b) requires credit information furnishers to conduct reasonable investigations. Defendant Sears does not point to any authority supporting its assumption that simply having reasonable procedures for conducting investigations satisfies § 1681s-2(b)(1). If Congress had intended to create a ‘reasonable procedures’ standard for credit information furnishers under § 1681s-2(b)(1), it knew how to do so. *Cf.* 15 U.S.C. §§ 1681e(b).”). The standard of care is statutorily established, and TD’s internal procedures cannot add to or subtract from TD’s statutory duties.

There is thus no “fact . . . of consequence to the determination of the action” that can become “more or less probable than it would be without the evidence” regarding TD’s general policies and procedures. The requested discovery is therefore irrelevant to Ms. Gephart’s claims. Whether TD handled any given account lawfully and properly depends not on what its general policies and procedures say, but on how its actual conduct in practice affected the consumer in the particular instance. Either TD complied with the law, or it didn’t, and the inquiry ought to end there. If TD didn’t comply with the law, then it owes liability no

matter what its policies and procedures say. And if TD did comply with the law, then no liability can result, whether or not it followed its (or a plaintiff's or attorney's interpretation of its) policies and procedures. Either way, TD's general policies and procedures are irrelevant. TD and Target have successfully resisted discovery, and sought protective orders, on this issue — including before Judge McNamee. I attach his order, which says:

<image009.jpg>

CRA topics (Nos. 32–33, 35). It looks like these matters were cut and pasted from some other lawsuit, but they have no place in this lawsuit:

No. 32: This action does not concern any claim under 15 U.S.C. § 1681b.

No. 33: This action does not concern any claim under 15 U.S.C. § 1681b, which applies to consumer reporting agencies and not to furnishers.

No. 35: TD's witness will be prepared to testify about "retention of . . . correspondence relating to a consumer's debt." TD does not receive, send, or prepare "consumer credit reports" or "mortgage statements."

Contractual relationships (Nos. 36–38). These matters are irrelevant for the same reason as TD's internal policies and procedures are irrelevant. TD's duties with respect to the consumer reporting agencies are established in statute, not by contract.

Financial information (Nos. 48–51). TD objects to these matters because they ask that a human witness memorize abstract information that is publicly reported and readily available. This information is available online at the website of the Federal Financial Institutions Examination Council (<https://www.ffiec.gov/>).

Other cases (Nos. 52–53). Other lawsuits brought by other consumers are irrelevant to Ms. Gephart's lawsuit.

Please let me know your response or, if you prefer to discuss, please let me know your availability. If we can't narrow the deposition's scope, then we'll need to contact Judge McNamee about setting a discovery-dispute conference.

BRM

Brian Melendez | Partner

Barnes & Thornburg LLP

225 S. Sixth Street Suite 2800, Minneapolis, MN 55402

Direct: (612) 367-8734

<image010.png> <image003.png> <image004.jpg> <image005.png> <image006.jpg>

<image007.jpg>

From: Melendez, Brian

Sent: Monday, August 21, 2023 2:53 PM

To: 'Marwan Daher' <mdaher@sulaimanlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>

Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica

EXHIBIT E

Madrid <jmadrid@sulaimanlaw.com>

Subject: RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.):

Notice of deposition (Trans Union, LLC)

Marwan:

Tuesday the 5th doesn't work for us, but the witness and I are both available on Tuesday the 12th. I'll follow up later this week about the deposition's scope.

BRM

Brian Melendez | Partner

Barnes & Thornburg LLP

225 S. Sixth Street Suite 2800, Minneapolis, MN 55402

Direct: (612) 367-8734

<[image002.png](#)> <[image003.png](#)> <[image004.jpg](#)> <[image005.png](#)> <[image006.jpg](#)>

<[image007.jpg](#)>

From: Marwan Daher <mdaher@sulaimanlaw.com>

Sent: Thursday, August 17, 2023 3:47 PM

To: Melendez, Brian <brian.melendez@btlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>

Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>

Subject: [EXTERNAL] RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of deposition (Trans Union, LLC)

Caution: This email originated from outside the Firm.

Hi Brian,

I hope all is well. Per Transunion's policy, which is also e-Oscar's policy, if an account is changed in response to a consumer dispute, the furnisher automatically receives what's called a Dispute Response Notification from the credit reporting agency. A DR Notification is a notice that an account has been modified or deleted due to a dispute response, a non-response to a dispute (by the response due date) or as a result of a Consumer Reporting Agency's internal reinvestigation (as specified in Section 611(a)(5)(A)(ii) of the FCRA). Images included with a Notification shall be considered a part of such Notification.

Unfortunately, the affidavit you provided did not mention this DR Notification only an ACDV. Even more, your client was put on notice by Equifax, which in turn provides notice to all other CRAs and your client. Please provide a date for your client's deposition as soon as possible. My client is also willing to negotiate a reasonable settlement. Thanks in advance.

Best Regards,

Marwan R. Daher,

Attorney at Law

Atlas Consumer Law – a Division of Sulaiman Law Ltd.

2500 South Highland Avenue

Suite 200

Lombard, Illinois 60148

Phone: (630) 575 – 8181, ext. 109

Direct: (630) 537 – 1770

EXHIBIT E

Fax: (630) 575 – 8188

Website: <http://www.AtlasConsumerLaw.com>

Email: mdaher@sulaimanlaw.com

<image001.jpg>

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From: Melendez, Brian <brian.melendez@btlaw.com>

Sent: Thursday, August 17, 2023 3:28 PM

To: Marwan Daher <mdaher@sulaimanlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>

Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>

Subject: RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of deposition (Trans Union, LLC)

Marwan and Alexander:

I have forwarded the deposition notice to my client. I will follow up with you when I hear back.

Meanwhile, though, I attach a declaration from Trans Union confirming that TU never sent notice to TD about Ms. Gephart's dispute. Since lack of such notice is a complete defense to Ms. Gephart's claim against TD, I renew my request that she dismiss that claim.

BRM

Brian Melendez | Partner

Barnes & Thornburg LLP

225 S. Sixth Street Suite 2800, Minneapolis, MN 55402

Direct: (612) 367-8734

<[image008.png](#)> <[image003.png](#)> <[image004.jpg](#)> <[image005.png](#)> <[image006.jpg](#)>

<[image007.jpg](#)>

EXHIBIT E

From: Marwan Daher <mdaher@sulaimanlaw.com>
Sent: Wednesday, August 16, 2023 3:50 PM
To: Melendez, Brian <brian.melendez@btlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>
Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>; Jessica Madrid <jmadrid@sulaimanlaw.com>
Subject: [EXTERNAL] RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of deposition (Trans Union, LLC)
Caution: This email originated from outside the Firm.

Hello Brian,
I hope all is well. Please see attached Notice of Deposition scheduled for September 5, 2023. As you know, the close of fact discovery is fast approaching so please let me know asap if this date and time does not work for your client.
Also, do you have time this week or early next week to get on a call to discuss the trajectory of this case and chance for resolution. Thanks in advance.
Best Regards,
Marwan R. Daher,
Attorney at Law
Atlas Consumer Law – a Division of Sulaiman Law Ltd.

2500 South Highland Avenue
Suite 200
Lombard, Illinois 60148
Phone: (630) 575 – 8181, ext. 109
Direct: (630) 537 – 1770
Fax: (630) 575 – 8188
Website: <http://www.AtlasConsumerLaw.com>
Email: mdaher@sulaimanlaw.com
<image001.jpg>

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recommending to another party any transaction or tax related matter(s) addressed therein.

From: Melendez, Brian <brian.melendez@btlaw.com>
Sent: Friday, August 11, 2023 3:46 PM
To: Marwan Daher <mdaher@sulaimanlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>
Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>
Subject: RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of deposition (Trans Union, LLC)
I just had an exchange with TU's attorney. We are not proceeding with the deposition on Monday.

BRM

From: Melendez, Brian
Sent: Friday, August 11, 2023 1:00 PM
To: 'Marwan Daher' <mdaher@sulaimanlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>
Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>
Subject: RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of deposition (Trans Union, LLC)
As far as I know, the deposition is going forward. The Zoom link is in the deposition notice, of which I attach another copy.

BRM

From: Marwan Daher <mdaher@sulaimanlaw.com>
Sent: Friday, August 11, 2023 12:47 PM
To: Melendez, Brian <brian.melendez@btlaw.com>; Alexander Taylor <ataylor@sulaimanlaw.com>
Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>
Subject: [EXTERNAL] RE: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of deposition (Trans Union, LLC)
Caution: This email originated from outside the Firm.

Hi Brian,
I hope all is well. We have not heard whether this deposition is going on Monday. If so, please provide the zoom information so we may appear. Thanks in advance.

Best Regards,
Marwan R. Daher,
Attorney at Law
Atlas Consumer Law – a Division of Sulaiman Law Ltd.

2500 South Highland Avenue
Suite 200
Lombard, Illinois 60148
Phone: (630) 575 – 8181, ext. 109
Direct: (630) 537 – 1770
Fax: (630) 575 – 8188
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<image001.jpg>

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From: Melendez, Brian <brian.melendez@btlaw.com>

Sent: Thursday, July 6, 2023 2:01 PM

To: Alexander Taylor <ataylor@sulaimanlaw.com>; Marwan Daher <mdaher@sulaimanlaw.com>

Cc: Mohammed Badwan <mbadwan@sulaimanlaw.com>; JEFF COLLINS <JCollins@JSHFIRM.com>; Gear, Autumn <autumn.gear@btlaw.com>

Subject: Gephart v. TD Bank USA, N.A., No. 2:22-cv-01652-SMM (D. Ariz.): Notice of deposition (Trans Union, LLC)

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

Alexander and Marwan:

Please find attached and served on you (1) Defendant TD Bank USA, N.A.'s Notice of Deposition: Trans Union, LLC; and (2) the accompanying Subpoena to Testify at a Deposition in a Civil Action. Please let me know if you have any questions. Thank you.

BRM

Brian Melendez | Partner

Barnes & Thornburg LLP

225 S. Sixth Street Suite 2800, Minneapolis, MN 55402

Direct: (612) 367-8734

<[image008.png](#)> <[image003.png](#)> <[image004.jpg](#)> <[image005.png](#)> <[image006.jpg](#)>

<[image007.jpg](#)>

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<mime-attachment>

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